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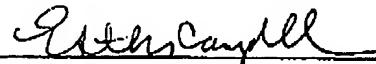
Deliver to: Jessica Reidel; USPTO Art Group: 3762
 Facsimile No.: 571-273-8300 Date: December 15, 2005
 Application No.: 10/828,897 Filing Date: April 20, 2004
 Our Docket No.: A04P3006-US1 No. of pgs including cover sheet: 10
 From: Steven M. Mitchell, Reg. No.: 31,857

Enclosed are the following documents:

<input checked="" type="checkbox"/> Amendment: Response (<u>7</u> pgs)	<input type="checkbox"/> Issue Fee Transmittal (In duplicate)
<input checked="" type="checkbox"/> Transmittal/Fee Transmittal (<u>2</u> pg)	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Appeal Brief (in triplicate) (<u> </u> pgs)	<input type="checkbox"/> Petition for:
<input type="checkbox"/> Application: (<u> </u> pgs w/ cover & abstract)	<input type="checkbox"/> Request for Continued Examination (RCE)
<input type="checkbox"/> Assignment & Recordation Cover Sheet (<u> </u> pgs)	<input type="checkbox"/> Reply Brief (<u> </u> pgs)
<input checked="" type="checkbox"/> Certificate of Facsimile	<input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)
<input type="checkbox"/> Continued Prosecution Application (CPA)	<input type="checkbox"/> Request to Rescind Previous Nonpublication Request
<input type="checkbox"/> Declaration & POA (<u> </u> pgs)	<input type="checkbox"/> Response to Written Opinion (<u> </u> pgs)
<input type="checkbox"/> Drawings: <u> </u> sheets, <u> </u> figures	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Extension of Time:	<input type="checkbox"/> Transmittal of Publication Fee Due
<input type="checkbox"/> IDS & PTO/SB/08 (<u> </u> pgs)	<input type="checkbox"/> Transmittal Letter
<input type="checkbox"/> Other:	

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at fax no.: **571-273-8300**.



 Esther Campbell Date 12/16/05

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DEC 16 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael Paris

Serial No.: 10/828,897

Art Unit: 3762

Filing Date: April 20, 2004

Examiner: Reidel, Jessica L.

For: METHODS AND DEVICES FOR DETERMINING HEART RATE RECOVERY

Docket No.: A04P3006-US1

MailStop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Dear Sir:

Submitted herewith for filing are the following documents:

7 page(s) Amendment and Response to Office Action

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage, via Express mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print/Type) Esther L. Campbell

Signature Esther Campbell

Date December 16, 2005

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Docket No. A04P3006-US1

DEC 16 2005

CALCULATION OF FEES						
ITEM		NO. OF CLAIMS FILED	NO. OF ADDITIONAL CLAIMS FILED	LG ENTITY FEE	\$ AMOUNT	\$ FEE
A	TOTAL CLAIMS FEE	15 - 20 =	0	X \$ 50	\$ 0	\$ 0.00
B	INDEPENDENT CLAIMS FEE**	2 - 3 =	0	X 200	0	0.00
C	SUBTOTAL - ADDITIONAL CLAIMS FEE (LINES A + B)					\$ 0.00
D	MULTIPLE-DEPENDENT CLAIMS FEE LARGE ENTITY FEE = \$360					
E	BASIC FILING FEE* LARGE ENTITY = \$300					
F	SEARCH FEE * LARGE ENTITY = \$500					
G	EXAMINATION FEE * LARGE ENTITY = \$200					
H	TOTAL FILING FEE** (ADD TOTALS FOR LINES C, D, E, F AND G)					\$ 00.00

<input checked="" type="checkbox"/>	Charge Deposit Account No. 22-0265 the amount of	\$00.00	A copy of this fee transmittal is enclosed.
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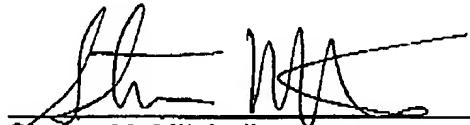
The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 22-0265:

Any additional filing fees required under 37 CFR 1.16.
 Any patent application processing fees under 37 CFR 1.17.

The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 22-0265:

Any patent application processing fees under 37 CFR 1.17.
 Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,



Steven M. Mitchell
Attorney for Applicant(s)
Reg. No. 31,857

Date: Dec. 16, 2005

CUSTOMER NUMBER: 24473

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Patent

DEC 16 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Michael Paris

Application No.: 10/828,897

Filed: April 20, 2004

For: METHODS AND DEVICES FOR
DETERMINING HEART RATE
RECOVERY

Examiner: Reidel, Jessica L.

Art Unit: 3762

Confirmation No.: 6172

Docket No.: A04P3006-US1

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO OFFICE ACTION

Dear Sir:

In response to the Office Action dated September 29, 2005, Applicant respectfully requests that the above-identified application be amended as follows and that the following remarks be considered:

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Name (Print/Type) Esther Campbell

Signature Esther Campbell

Date December 16, 2005

Serial No. 10/828,897

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Docket No. A04P3006-US1